

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, May 9, 2011

6:00 p.m. Call to Order

6:00 P.M. EXECUTIVE SESSION pursuant to 1 M.R.S.A., §405(6)(D) re: contract negotiations between the Town and the Public Works/Val Halla Employees Association, and pursuant to 1 M.R.S.A., §405(6)(C) re: real property acquisition.

I. APPROVAL OF MINUTES

April 25, 2011

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

11 - 076 To countersign the Warrant and Notice of Election calling the June 14, 2011 M.S.A.D. 51 Budget Validation Referendum.

11 - 077 To hold a Public Hearing to authorize the Town Manager to enter into a labor contract agreement with the Public Services/Val Halla Employees Association for the period of July 1, 2011 – June 30, 2014.

11 - 078 To hear a report from the Tax Assessor re: Assessments and Property Values by District.

11 - 079 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Memorial Day Parade to be held on May 30, 2011.

11 - 080 To hold a Public Hearing to consider and act on Victualer's License Applications for Fat Guys Concessions for a miniature horse show at the Cumberland Fairgrounds on June 25 & 26, 2011.

11 - 081 To set a Public Hearing date (May 23rd) to consider and act on a Victualer's License application for The Golf Learning Center, 147 Bruce Hill Road.

11 - 082 To set a Public Hearing date (May 23rd) to consider and act on a Class I Liquor License for the Cumberland House of Pizza for the period of May 2011 – May 2012.

11 - 083 To authorize the Town Attorney to take all actions necessary to collect any amount outstanding (\$13,297.45) for the Greenlaw Writ of Execution dated December 28, 2010.

V. NEW BUSINESS

- Finance Committee Meeting, May 19th @ 7:30 a.m. at Town Hall.

VI. ADJOURNMENT

MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, APRIL 25, 2011
6:00 p.m. Call to Order

6:00 p.m. Call to Order

Present: Councilors Turner, Copp, Porter, Perfetti, Stiles, Moriarty, and Chairman Storey-King.

Motion by Councilor Stiles, seconded by Councilor Copp, to recess to Executive Session with the Town Attorney pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition.

VOTE: 7-0 UNANIMOUS PASSAGE

TIME: 6:01 p.m.

Motion by Councilor Perfetti, seconded by Councilor Stiles, to return from Executive Session.

VOTE: 7-0 UNANIMOUS PASSAGE

TIME: 6:54 p.m.

I. APPROVAL OF MINUTES

April 11, 2011

Motion by Councilor Moriarty, seconded by Councilor Perfetti, to accept the minutes as presented.

VOTE: 7-0 UNANIMOUS PASSAGE

II. MANAGER'S REPORT

Nomination papers are due May 2nd for Town Council and School Board seats.

The State Fire Marshall's Office had a training exercise last week that involved detonating fireworks in West Cumberland. It was much louder than expected and Fire Chief Small ordered the exercise be shut down when he realized this. The neighbors had been notified that this would be going on, and the Manager apologized for the noise and inconvenience this may have caused the neighbors.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

11 – 065 To hold a Public Hearing in compliance with Article X, Section 2 of the Cumberland Town Charter regarding the petition to enact an amendment to the Cumberland Zoning Ordinance to delete excavation of land as a permitted use in the RR1 and RR2 zones.

Councilor Moriarty gave the following historical explanation in reference to this item:

When the Charter was adopted in 1972, it had a provision for a referendum to overturn action taken by the Town Council, but there was no means in which residents could propose an ordinance change on their own. A Charter Commission was formed in 1994-1995. The Commission inserted a provision entitled the "Initiative Provision", which allows residents to propose ordinance changes or enactment of an ordinance, with the sufficient number of signatures on a petition. When that happens, the proposed changes can go to a public vote. This upcoming election marks the first time, since the Charter was changed in '95 that this has ever been

utilized. Councilor Moriarty commended the petitioners for becoming aware of their rights and for exercising their rights under the Charter.

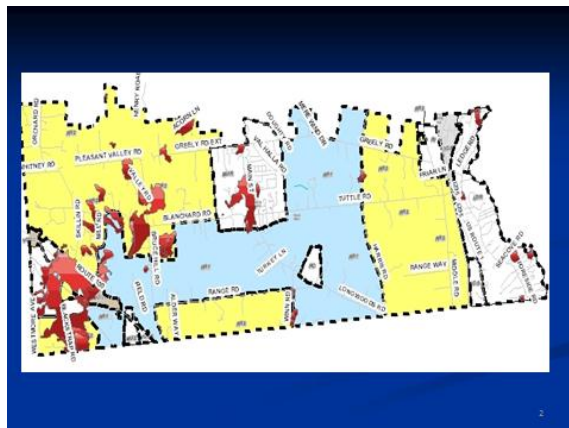
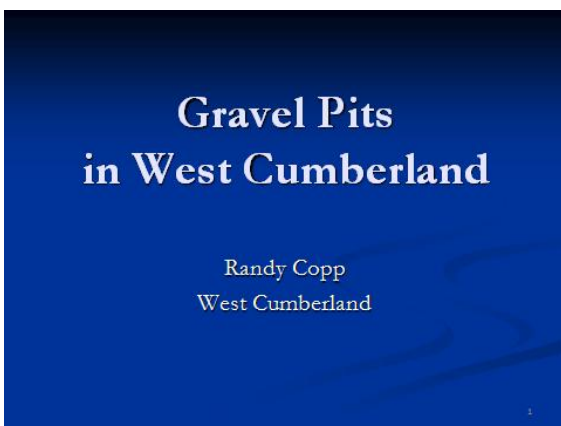
Councilor Moriarty went on to explain that an election date of June 14th will be set this evening. This action stems from the moratorium that the Town Council adopted last November to bring a halt to extraction of earth materials, for a period of at least 6 months, while studying the continuing viability of earth materials as a permitted use in the RR 1 and RR2 zones. There were multiple meetings of the Town Council Ordinance Committee, whose recommendation to the Council was to allow extraction of earth materials as a permitted use, but with the protective mechanism of a contract zone. This issue was then referred to the Planning Board. On March 31st, the Town Clerk certified the minimum number of petition signatures necessary to trigger an initiative referendum under the Town Charter. The Charter requires that within 30 days of certification, the Council has to hold a Public Hearing on the proposed ordinance change (which will take place this evening). Within 30 days of tonight's Public Hearing, an election date has to be set. The election date will be set for June 14th immediately following the Public Hearing and everyone who wishes to speak has had an opportunity to do so. The proposed change is to amend the Cumberland Zoning Ordinance in two areas by deleting extraction of earth materials as a permitted use in the RR 1 and RR2 zones. The issue will be resolved on June 14th by a simple majority vote. If the vote is in the affirmative, under the Charter, the ordinance change will take effect in 10 days (June 24th), which is 4-5 days before the moratorium expires. If the vote is not successful at the polls, the Council will likely, at its June 27th meeting, take up the issue of whether to add a contract zoning provision to the extraction of earth materials as a permitted use in the two zones.

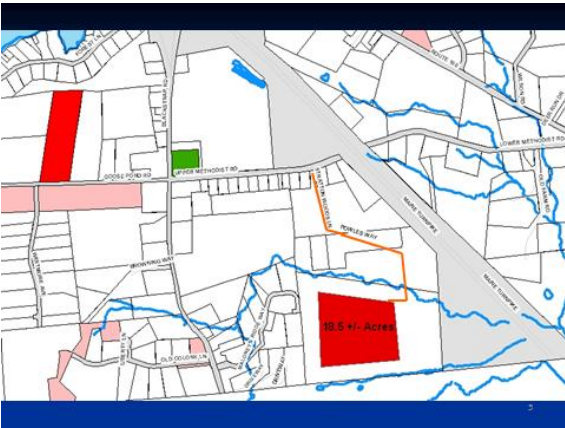
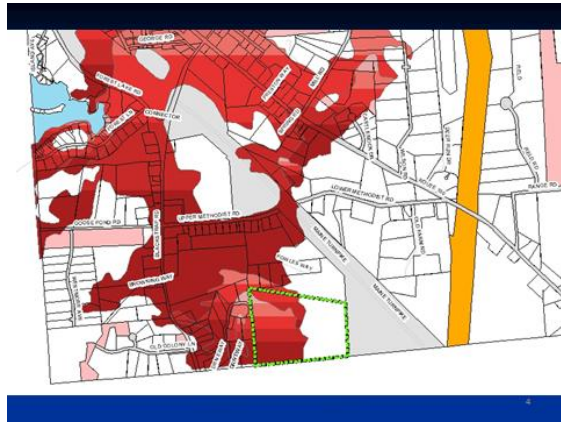
Randy Copp of West Cumberland presented the following slides and made the following points:

His neighbors have stated that 80% of Cumberland residents would be affected by having a gravel pit in their back yard.

Approximately 10% of the Town has sand and gravel deposits. Therefore, a gravel pit would not affect 80% of the residents. However, 80% of the residents will lose their property rights if this referendum passes.

Mr. Copp referred to the map below depicting the areas with sand and gravel deposits in red, 10% of the Town, and the blue and yellow areas (RR1 & RR2) making up 80% of the Town.





The red areas are the two remaining lots in West Cumberland in which gravel can be extracted. The smaller red lot is the Town’s gravel pit and the larger is Mr. Copp’s pit. Mr. Copp’s pit is approximately 47.5 acres, but with the setbacks, they are only allowed to work on 18.5 acres. There will be a minimum of a 200’ setback from all property lines. 3 residential homes about this property and buffers will be added.

The following photos are examples of reclaimed gravel pits where homes have been built:





This photo is an example of Mr. Copp's vision for his property when he is finished.

An excavated pond in West Cumberland.

These photos show how man and machinery can enhance the value of a piece of land without contaminating the aquifer and destroying the neighborhood.

Mr. Copp said that Section 410 is the strictest ordinance that we have in the entire zoning ordinance. The buffering requirements are more than double of any other use. Section 410.3.1 states that the excavated land will be left in a state more useful for some future purpose conforming to the district requirements in which the excavated site is located. Excavation of land was a permitted use as a special exception from 1959 to 2010 and a permitted use prior to 1959. On June 28, 2010, the Cumberland Town Council changed excavation of land from a special exception to a permitted use. After multiple Public Hearings by the Council and the Planning Board, and postings in the newspaper, there was no opposition. Mr. Copp said that his piece of land will be re-

vegetated after he has completed reshaping it. His project will not contaminate the ground water; it is not located on the aquifer per the Maine Geological Map, the Maine Dept. of Environmental Protection, and a presentation by Sevee & Mahar Engineers. This project will have very strict DEP and Town guidelines to adhere to. Mr. Copp has met with the neighbors and feels that they are not interested in a compromise or allowing him to do work on his land. He is simply asking to do something that is, and always has been allowed there. This project will increase the value of the land and make it more useable.

Mr. Copp finished by saying that if you support any of the following, you must vote No on June 14th. If you support the Town Council, the Zoning Ordinance, the Comprehensive Plan, local business, local farms, making Cumberland more sustainable, and protecting your property rights, then get out and vote. Mr. Copp thanked the Town Council and Town Manager for the opportunity to speak on this matter. He also thanked the residents for listening, getting involved, and voting.

Joyce Baughan of Blackstrap Road said that many years ago, reclamation of gravel pits did not exist. Old pits were abandoned and some remain that way today. In the 80's, reclamation took the form of grassing and sloping the properties and turning it into a piece of property that a home could be built on. Unfortunately, reclamation today means the continuous use of a gravel pit in a different form. The fact that Mr. Copp wants to make a beautiful piece of property out of his pit 20 years from now may be true, but we don't know what reclamation is going to look like in the next 20 years because it has changed drastically in the last 20 years. The problem is not the reclamation, its industrial activity taking place in a residential neighborhood.

Teri Maloney-Kelly thanked the Town Council for giving the citizens the opportunity to bring a referendum before the Town and the citizens that supported the petition. 650 signatures were collected in 10 days. This leads her to believe that the citizens of Cumberland truly do want to protect the rural character of their neighborhoods. Mrs. Maloney-Kelly urged everyone to educate themselves about the upcoming referendum and visit www.cleancumberland.org

Town Manager Shane said that on June 6th another Public Hearing will be held on this item to give each side a final opportunity to speak and give the public another chance to hear it before the election.

11 – 066 To set a date of June 14, 2011 for a referendum re: changes to the Municipal Ordinances re: excavation of lands in the RR1 and RR2 zones.

Motion by Councilor Moriarty, seconded by Councilor Perfetti, to set a date of June 14, 2011 for a referendum re: changes to the Municipal Ordinances re: elimination of excavation of land as a permitted use or special exception in the RR 1 and RR2 Districts.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 067 To hear a report from the Finance Committee Chair re: 3rd quarter financials.

Councilor Perfetti, the Finance Committee Chair explained that this is standard 3rd quarter reporting and the revenue and expenses are both stable. Councilor Perfetti introduced Finance Director, Alex Kimball to report on the details.

Mr. Kimball reviewed the following for the Council:

3rd Quarter 2010-11 Budget Update

An expensive winter, but it could have been worse

Storm Related Expenses through 3/31

| | Overtime | Diesel | Road Salt | Totals |
|----------------|-----------|-----------|------------|------------|
| 2010-11 Budget | \$ 60,000 | \$ 40,000 | \$ 87,000 | \$ 187,000 |
| 2010-11 YTD | \$ 56,452 | \$ 37,767 | \$ 96,313 | \$ 190,532 |
| 2009-10 YTD | \$ 41,124 | \$ 28,708 | \$ 80,864 | \$ 150,696 |
| 2008-09 YTD | \$ 53,749 | \$ 27,659 | \$ 127,405 | \$ 208,813 |
| 2007-08 YTD | \$ 70,751 | \$ 35,000 | \$ 113,878 | \$ 219,629 |

2011-12 Budget \$ 60,000 \$ 40,000 \$ 95,000 \$ 195,000

TOWN OF CUMBERLAND YTD Expense Report Through March 31, 2011

| Department | 2010-11 | | | 2009-10 Used |
|-----------------------------------|----------------------|----------------------|--------------|-----------------|
| | Budget | YTD Expenses | Used | |
| General Administration | \$ 1,078,436 | \$ 845,471 | 78.4% | 82.6% |
| Public Safety | \$ 1,792,273 | \$ 1,402,187 | 78.2% | 78.9% |
| Public Works | \$ 1,626,002 | \$ 1,238,251 | 76.2% | 76.8% |
| Parks & Recreation | \$ 624,231 | \$ 496,288 | 79.5% | 84.5% |
| Library | \$ 353,580 | \$ 270,334 | 76.5% | 76.8% |
| Other Expenses | \$ 303,049 | \$ 268,482 | 88.6% | 80.1% |
| Controllable Expense Total | \$ 5,777,571 | \$ 4,521,013 | 78.3% | 79.6% |
| Other Expenses | Budget | YTD Expenses | Used | Used |
| MSAD #51 | \$ 11,830,338 | \$ 8,859,853 | 74.9% | 74.9% |
| Debt Service | \$ 996,578 | \$ 818,264 | 81.9% | 71.9% |
| County Tax | \$ 600,901 | \$ 600,901 | 100.0% | 100.0% |
| Cemetery Association | \$ 22,000 | \$ 24,278 | 110.4% | 100.0% |
| Capital Imp. Plan | \$ 333,485 | \$ 333,485 | 100.0% | 100.0% |
| Insurance | \$ 254,252 | \$ 258,208 | 101.6% | 102.6% |
| Other Expense Total | \$ 14,039,554 | \$ 10,894,989 | 77.6% | 77.5% |
| All Expenses Total | \$ 19,817,125 | \$ 15,416,002 | 77.8% | 78.1% |

Revenues are up slightly

Revenues Through 03/31/11

| Description | Budget | 2010-2011 Actual | Percent Collected | 2009-10 % |
|-----------------------|--------------------|---------------------|----------------------|--------------|
| Misc Revenues | \$ 2,418,786 | \$ 1,773,116 | 73.3% | 71.9% |
| Dept Revenues | \$ 1,126,747 | \$ 613,069 | 54.4% | 50.5% |
| Total Revenues | \$3,545,533 | \$ 2,386,185 | 67.3% | 65.6% |

| Selected Revenue Lines | Budget | Actual | 10-11 | 09-10 |
|------------------------|--------------|------------|-------|-------|
| Excise Tax | \$ 1,330,446 | \$ 982,993 | 74% | 76% |
| Building Permits | \$ 35,000 | \$ 24,014 | 69% | 85% |
| State Revenue Sharing | \$ 500,000 | \$ 415,359 | 83% | 68% |
| Spring Recreation | \$ 25,000 | \$ 15,190 | 61% | 46% |
| Bags/Universal Waste | \$ 325,000 | \$ 163,672 | 50% | 44% |

The overall budget is projected to fall short by .5%

Estimated 2010-11 General Fund Budget vs. Actual

| | Budget | Actual | \$ Variance | % Variance |
|-------------------|---------------|---------------|---------------------|--------------|
| Revenues | \$ 20,387,373 | \$ 20,388,319 | \$ 946 | 0.0% |
| Expenses | \$ 19,817,125 | \$ 19,925,980 | \$ 108,855 | 0.5% |
| Net Effect | | | \$ (107,909) | -0.5% |

Property Tax collections have improved drastically

Property Tax Collections through 3/31/2011

| | 2007-08 | 2008-09 | 2009-10 | 2010-11 |
|------------------------|---------------|--------------------|--------------------|------------------|
| Tax Commitment | \$ 15,762,627 | \$ 15,901,519 | \$ 16,612,279 | \$ 17,647,491 |
| Taxes Collected | \$ 15,104,784 | \$ 15,162,052 | \$ 15,861,837 | \$ 16,977,620 |
| Percent Collected | 95.83% | 95.35% | 95.48% | 96.20% |
| % Difference | | -0.48% | -0.34% | 0.38% |
| \$\$ Difference | | \$ (75,828) | \$ (57,140) | \$ 66,635 |

11 – 068 To hear a report from the Police Chief re: department updates.

Chief Charron reviewed the following for the Council:

CUMBERLAND POLICE DEPARTMENT

APRIL 25, 2011
TOWN COUNCIL
POLICE ACTIVITY BRIEFING

UNDERAGE ALCOHOL VIOLATIONS

JUVENILES 16-17 MINORS 18-20

| | | |
|-----------|-------|---------|
| Juvenile: | Males | Females |
| | 4 | 7 |
| Minors: | 9 | 2 |

There were a total of 3 drug violations all
Males 18 or older.
There were 2 OUI violations involving 1 Female 18 yoa
and 1 male 19 yoa.

CONSEQUENCES

■ FURNISHING ALCOHOL TO MINORS 1
FIRST OFFENSE \$500 FINE 2 DAYS CCJ
SECOND OFFENSE \$1000 3 DAYS CCJ

■ FURNISHING A PLACE 1
FIRST OFFENSE \$1000 3+ DAYS CCJ
SECOND OFFENSE \$2000 7+ DAYS CCJ

CIVIL SUIT CURRENTLY UNDERWAY

TRAFFIC ACTIVITY

| | |
|--------------------|------|
| WARNINGS & DEFECTS | 1043 |
| SUMMONSES | 184 |
| ACCIDENTS | 87 |
| PARKING TICKETS | 77 |
| TOTAL | 1391 |

TYPES OF CRIME

- BURG/THEFT FROM MOTOR VEHICLES
- BURG/THEFT RESIDENTIAL
- THEFTS FROM M.V. catalytic conv.
- CRIMES INVOLVING FRAUD/ID THEFT
- CRIMINAL MISCHIEF

OTHER ACTIVITIES

| | |
|----------------------------|-----|
| ■ ASSIST OTHER AGENCIES | 249 |
| ■ ALARM RESPONSES | 166 |
| ■ ASSIST CITIZENS | 124 |
| ■ SHELLFISH CHECKS | 59 |
| ■ WATER SAMPLES COLLECTED | 120 |
| ■ ALARM PERMITS | 389 |
| ■ CONCEALED WEAPON PERMITS | 194 |

UCR DATA 2009

| | Crime Per 1000 | Clearance Rate |
|---------------|----------------|----------------|
| ■ Cumberland | 5.24 | 60.0 |
| ■ County | 28.85 | 28.8 |
| ■ State | 25.34 | 30.8 |
| ■ New England | 27.56 | N/A |
| ■ U.S. | 36.88 | N/A |

TRAFFIC DETAILS

| | |
|-----------------------------|-------------------------|
| ■ TOTAL DETAILS | 250 |
| ■ NUMBER OF WARNINGS | 129 |
| ■ NUMBER OF SUMMONSES | 25 |
| ■ RADAR DISPLAY DEPLOYMENTS | Just now being deployed |

SRO ACTIVITY

| | |
|---------------------------------------|-----------------|
| ■ CALLS FOR SERVICE | 230 |
| ■ BULLYING INCIDENTS | (FACEBOOK etc.) |
| ■ TRUANCY ISSUES | |
| ■ SPECIAL NEEDS | |
| ■ PARTICIPATION IN THREAT ASSESSMENTS | |
| ■ DEALING WITH FAMILY CRISIS ISSUES | |

LUNCH-N-LEARN

YOU'RE INVITED
THURSDAY APRIL 28, 2011 11AM-1PM
TOWN COUNCIL CHAMBERS
NTBI PRESCRIPTION TURN-IN
SPONSORED BY DEA
GUEST SPEAKER
RESIDENT AGENT MIKE WARDROP

11 – 069 To hold a Public Hearing to consider and act on a Mass Gathering Permit and Victualer's Licenses for Nassau Broadcasting for Maine's Ultimate Spring Yard Sale to be held at the Cumberland Fairgrounds on June 11, 2011 from 8:00 a.m. – 2:00 p.m. (rain date June 18th).

Town Manager Shane said that staff is recommending approval and there are representatives from the Farmer's Club present this evening if there are any questions on this item or the next three agenda items.

Public discussion: None

Motion by Councilor Porter, seconded by Councilor Stiles, to approve the Mass Gathering Permit and Victualer's Licenses for Nassau Broadcasting for Maine's Ultimate Spring Yard Sale to be held at the Cumberland Fairgrounds on June 11, 2011 from 8:00 a.m. – 2:00 p.m. (rain date June 18th).

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 070 To hold a Public Hearing to consider and act on a Mass Gathering Permit and Victualer's Licenses for the Cumberland Farmers Club Auto Show to be held at the Cumberland Fairgrounds on June 12, 2011 from 8:00 a.m. – 2:00 p.m.

Town Manager Shane said that staff is recommending approval.

Public discussion: None

Motion by Councilor Stiles, seconded by Councilor Copp, to approve the Mass Gathering Permit and Victualer's Licenses for the Cumberland Farmers Club Auto Show to be held at the Cumberland Fairgrounds on June 12, 2011 from 8:00 a.m. – 2:00 p.m.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 071 To hold a Public Hearing to consider and act on a Mass Gathering Permit and Victualer's Licenses for the Penobscot Valley Dog Show to be held at the Cumberland Fairgrounds on June 23 – 26, 2011 from 8:00 a.m. – 4:00 p.m.

Town Manager Shane said that staff is recommending approval.

Public discussion: None

Motion by Councilor Moriarty, seconded by Councilor Turner, to approve the Mass Gathering Permit and Victualer's Licenses for the Penobscot Valley Dog Show to be held at the Cumberland Fairgrounds on June 23 – 26, 2011 from 8:00 a.m. – 4:00 p.m.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 072 To set a Public Hearing date (May 9th) to consider and act on Victualer's License Applications for Fat Guys Concessions for a miniature horse show at the Cumberland Fairgrounds on June 25 & 26, 2011.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of May 9th to consider and act on Victualer's License Applications for Fat Guys Concessions for a miniature horse show at the Cumberland Fairgrounds on June 25 & 26, 2011.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 073 To set a Public Hearing date (May 9th) to consider and act on a Mass Gathering Permit for the Cumberland Memorial Day Parade to be held on May 30, 2011.

Town Manager Shane explained that the Town is not exempt from the ordinance and this is no different from any other mass gathering. The Ordinance Committee will look into exempting Municipal events in the future.

Motion by Councilor Copp, seconded by Councilor Turner, to set a Public Hearing date of May 9th to consider and act on a Mass Gathering Permit for the Cumberland Memorial Day Parade to be held on May 30, 2011.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 074 To hear a report re: amendments to Section 430 (Water Extraction & Storage) of the Cumberland Zoning Ordinance as recommended by the Planning Board and to set a Public Hearing date of May 23rd.

Councilor Moriarty explained that this item was discussed at the same time as the gravel extraction item. The Ordinance Committee recommended that the bulk storage and extraction of water be abolished in the five residential zones that it is currently permitted. The Planning Board recommendation is that no ground or spring water be pumped or extracted from the zones. That recommendation is a great deal further than the Ordinance Committee had proposed. The intention is to prevent a homeowner from extracting water, i.e. a residential well. He feels that the Planning Board understood what the Council had intended and feels that their motion is approval of the Council's recommendation. The moratorium applies to both the extraction of gravel and bulk storage and extraction of water. To avoid having to extend the moratorium, these changes will be considered by the Council on May 23rd.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of May 23rd to consider and act on amendments to Section 430 (Water Extraction & Storage) of the Cumberland Zoning Ordinance, as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 075 To authorize the Town Manager to accept delinquent taxes and issue a quitclaim deed for property identified as Tax Map R07/Lot 21, in the amount of \$8,327.02.

Town Manager Shane explained that the property owner has paid all past due property taxes and fees. Because the taxes were more than one year past due, the Council has to authorize the Town Manager as Tax Collector to accept them.

Motion by Councilor Perfetti, seconded by Councilor Copp, to authorize the Town Manager to accept delinquent taxes and issue a quitclaim deed for property identified as Tax Map R07/Lot 21, in the amount of \$8,327.02.

VOTE: 7-0

UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – Referenced the Legislative Bulletin from Maine Municipal Association and an article about repealing LD43. There is a provision that exempts modular homes. As we all know now, modular homes are no different from stick built homes. Exempting them would be a real boom to the modular industry if the present code sticks.

Councilor Copp – None

Councilor Porter – The Council received an e-mail from a young man regarding impact fees. The Council should look at whether they want to continue impact fees. The conditions in which impact fees were set is very different conditions than today.

Councilor Porter congratulated the Veterans Monument Committee for their continued aggressive fundraising efforts. If the funds are not raised by citizen donations, he feels that public funds should be used to complete this important community project.

He is disappointed with the elected officials and the government of North Yarmouth. He finds them to be irresponsible, not only to their own residents, but to the information that has been provided by the Council and the Town Manager. It is interesting that North Yarmouth residents feel comfortable enough to call our Manager to get the accurate information that they cannot get from their own elected or appointed leaders. He finds this incredibly offensive. He hopes that the outcome of the workshop this evening is a decision by this Council to finally say, if North Yarmouth is willing to participate, we are happy to have you, but if not then they can go elsewhere to find their services. It is time for the Town of Cumberland to stop subsidizing other people.

Councilor Perfetti – None

Chairman Storey-King – Reminder that the Japan Club at the Middle School is sponsoring a Japan relief benefit concert this Sunday at Greely Middle School.

Because of the June 14 election, the Town Council meetings have been moved to June 6th and 20th.

Councilor Stiles – Requested that the Town Manager assign the Ordinance Committee the task of exempting the Town from the Mass Gathering Permit requirement.

Councilor Stiles asked the Manager to update the Council on the clear cutting of a lot on Route 88.

Town Manager Shane said that last week, he received several calls from concerned residents of Ledge Road regarding a lot that was cleared from property line to property line with no apparent reason. The lot is not under contract for a home to be built, but there is a sign there by the property owner for a build package. When the subdivision was approved many years ago, there were no restrictions as to the number of trees that had to remain on the lot. The Code Enforcement Officer has contacted the lot owner and they are working to stabilize the erosion and sediment issues. The property owner is within their rights to do what they did.

Councilor Moriarty – None

Town Manager Shane – On May 9th, the countersigning of the MSAD 51 warrant will be taking place.

VI. ADJOURNMENT

Motion by Councilor Perfetti, seconded by Councilor Turner, to adjourn to Workshop re: Future contracts for Library & Recreation services with North Yarmouth.

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 8:52 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

ITEM 11-076

To countersign the Warrant and Notice of Election calling the
June 14, 2011 M.S.A.D. 51 Budget Validation Referendum.

*NO MATERIALS
FOR THIS ITEM*

ITEM

11-077

To hold a Public Hearing to authorize the Town Manager to enter into a labor contract agreement with the Public Services/Val Halla Employees Association for the period of July 1, 2011 – June 30, 2014.

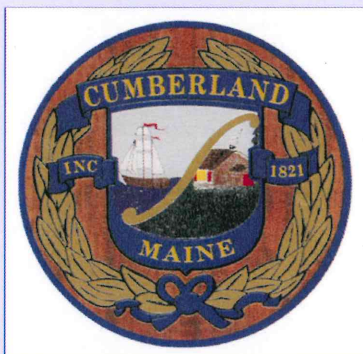
*NO MATERIALS
FOR THIS ITEM*

ITEM

11-078

To hear a report from the Tax Assessor re: Assessments and
Property Values by District.

Town of Cumberland



Assessor's Annual Report to the Cumberland Town Council

May 9, 2011

Town of Cumberland Tax Assessor

William H. Healey Jr., CMA

Review of State Assessing Standards

- Minimum Assessment Ratio – 70%
- Maximum Assessment Ratio – 110%
- Maximum Rating of Assessment (COD) – 20%

State Valuations for Cumberland Since 2008

| Tax Year | State Valuation | Sales Ratio Used to Calculate Valuation |
|----------|-----------------|--|
| 2008 | \$1,132,250,000 | 66% |
| 2009 | \$1,162,000,000 | 67% |
| 2010 | \$1,131,150,000 | 96% |
| 2011 | \$1,084,700,000 | 100% |
| 2012* | \$1,068,500,000 | 103% |

*In effect 4/1/2012

Sales Information – Town Wide

| Number of Sales | Assessment Ratio | Quality Rating (COD) |
|-----------------|------------------|----------------------|
| 70 | 103% | 8% |

Sales Information – Center

| Number of Sales | Assessment Ratio | Quality Rating (COD) |
|------------------------|-------------------------|-----------------------------|
| 28 | 100% | 8% |

Sales Information – Foreside

| Number of Sales | Assessment Ratio | Quality Rating (COD) |
|------------------------|-------------------------|-----------------------------|
| 12 | 100% | 9% |

Sales Information – West Cumberland

| Number of Sales | Assessment Ratio | Quality Rating (COD) |
|------------------------|-------------------------|-----------------------------|
| 19 | 109% | 8% |

Sales Information – Condominiums

| Number of Sales | Assessment Ratio | Quality Rating (COD) |
|------------------------|-------------------------|-----------------------------|
| 11 | 107% | 8% |

[illegible]

| Map | Map Cut | Lot | Lot Cut | Unit | Property Location | Land Use Code | Style Description | Year Bld | Sale Date | Sale Price | Total Assessment | Street Index | Ratio | Deviation | |
|-----|---------|-----|---------|------|----------------------|---------------|-------------------|----------|------------|-------------|------------------|--------------|-----------|-----------|---------------|
| R02 | C | 11 | | | 106 RAVINE DRIVE | 1010 | Colonial | 1994 | 3/31/2010 | \$850,000 | \$918,500 | 250 | 1.08 | 0.05 | |
| U06 | | 95 | | | 19 COVESIDE | 1010 | Colonial | 1985 | 7/30/2010 | \$640,000 | \$639,600 | 250 | 1.00 | 0.03 | |
| U04 | A | 3 | | | 35 CONIFER RIDGE RD | 1010 | Colonial | 1996 | 11/17/2010 | \$490,000 | \$501,300 | 250 | 1.02 | 0.01 | |
| R02 | A | 9 | | | 28 SCHOONER RIDGE RD | 1010 | Colonial | 1989 | 12/14/2010 | \$450,000 | \$484,500 | 250 | 1.08 | 0.05 | |
| R02 | C | 16 | E | | 159 FAIRWIND LANE | 1010 | Colonial | 1985 | 12/2/2010 | \$419,500 | \$468,500 | 250 | 1.12 | 0.09 | |
| U01 | | 5 | E | | 23 MARY LANE | 1010 | Colonial | 2005 | 8/3/2010 | \$1,245,000 | \$912,300 | 251 | 0.73 | 0.30 | |
| U05 | | 13 | | | 20 HERON LANE | 1010 | Antique | 1900 | 4/6/2010 | \$1,175,000 | \$1,311,100 | 400 | 1.12 | 0.09 | |
| R02 | | 17 | | | 301 FORESIDE ROAD | 1012 | Conventional | 1915 | 6/17/2010 | \$1,700,000 | \$1,299,400 | 400 | 0.76 | 0.27 | |
| U06 | B | 3 | | | 6 ISLAND VIEW DRIVE | 1010 | Conventional | 1976 | 7/1/2010 | \$500,000 | \$549,200 | 400 | 1.10 | 0.07 | |
| R01 | | 2 | A | | 11 TOWN LANDING ROAD | 1010 | Cape Cod | 1983 | 11/2/2010 | \$530,000 | \$528,700 | 400 | 1.00 | 0.03 | |
| R02 | | 18 | | | 307 FORESIDE ROAD | 1012 | Ranch | 1955 | 9/17/2010 | \$1,350,000 | \$1,320,400 | 400 | 0.98 | 0.05 | |
| U03 | | 44 | | | 7 LONGMEADOW ROAD | 1010 | Cape Cod | 1962 | 7/30/2010 | \$565,000 | \$599,800 | 400 | 1.06 | 0.03 | |
| | | | | | | | | | | | | | Avg Ratio | 1.00 | Avg Deviation |
| | | | | | | | | | | | | | | 1.00 | 0.09 |
| | | | | | | | | | | | | | COD | 0.09 | |

| Map | Map Cut | Lot | Lot Cut | Unit | Property Location | Land Use Code | Style Description | Year Bld | Sale Date | Sale Price | Total Assessment | Street Index | Ratio | Deviation |
|-----|---------|-----|---------|------|-------------------------|---------------|-------------------|----------|------------|------------|------------------|--------------|-------|-----------|
| R02 | D | 3 | | U29 | 6 TORRY PINE DRIVE #29 | 1020 | Condominium | 2009 | 2/9/2010 | \$274,500 | \$307,200 | 100 | 1.12 | 0.09 |
| R07 | | 33 | B | | 24 MILL ROAD | 1010 | Cape Cod | 1974 | 2/19/2010 | \$250,000 | \$290,800 | 100 | 1.16 | 0.13 |
| U19 | | 27 | | | 26 KATHY LANE | 1010 | Cape Cod | 1966 | 3/29/2010 | \$185,000 | \$226,100 | 100 | 1.22 | 0.19 |
| R02 | D | 3 | | U30 | 8 TORRY PINE DRIVE #30 | 1020 | Condominium | 2009 | 3/18/2010 | \$285,900 | \$307,200 | 100 | 1.07 | 0.04 |
| R01 | | 44 | | | 72 MIDDLE ROAD | 1010 | Ranch | 1950 | 4/21/2010 | \$196,000 | \$211,100 | 100 | 1.08 | 0.05 |
| R02 | | 36 | | | 218 MIDDLE ROAD | 1010 | Cape Cod | 1942 | 5/4/2010 | \$214,900 | \$229,500 | 100 | 1.07 | 0.04 |
| U19 | | 24 | | | 10 KATHY LANE | 1010 | Cape Cod | 1966 | 5/12/2010 | \$190,000 | \$206,900 | 100 | 1.09 | 0.06 |
| U11 | A | 1 | | U20 | 20 WINTERBERRY COURT | 1020 | Condominium | 1988 | 6/18/2010 | \$237,000 | \$209,800 | 100 | 0.89 | 0.14 |
| R02 | D | 3 | | U15 | 22 SAND POINT LANE #15 | 1020 | Condominium | 2006 | 6/22/2010 | \$273,000 | \$315,700 | 100 | 1.16 | 0.13 |
| R02 | D | 3 | | U41 | 9 GOOSE LEDGE ROAD #41 | 1020 | Condominium | 2010 | 12/23/2010 | \$333,000 | \$328,200 | 100 | 0.99 | 0.04 |
| R02 | D | 2 | | U61 | 12 WHALEBOAT LANE | 1020 | Condominium | 2003 | 12/20/2010 | \$247,000 | \$263,700 | 100 | 1.07 | 0.04 |
| R05 | | 46 | | | 160 BLANCHARD ROAD | 1010 | Ranch | 1956 | 9/20/2010 | \$167,000 | \$185,100 | 100 | 1.11 | 0.08 |
| R02 | D | 3 | | U12 | 18 SAND POINT LANE #12 | 1020 | Condominium | 2006 | 7/28/2010 | \$260,000 | \$315,700 | 100 | 1.21 | 0.18 |
| R02 | D | 3 | | U40 | 7 GOOSE LEDGE ROAD #40 | 1020 | Condominium | 2010 | 7/2/2010 | \$300,000 | \$321,300 | 100 | 1.07 | 0.04 |
| U14 | A | 3 | | | 364 MAIN STREET | 1010 | Raised Ranch | 1970 | 6/29/2010 | \$325,000 | \$306,400 | 110 | 0.94 | 0.09 |
| U11 | | 38 | | | 263 MAIN STREET | 1010 | Cape Cod | 1950 | 8/17/2010 | \$203,000 | \$242,800 | 110 | 1.20 | 0.17 |
| U13 | A | 12 | A | U3 | 330 MAIN STREET #3 | 1020 | Condominium | 2006 | 9/1/2010 | \$187,500 | \$184,100 | 110 | 0.98 | 0.05 |
| U19 | A | 4 | | | 14 MILL RIDGE ROAD | 1010 | Ranch | 1984 | 4/5/2010 | \$231,500 | \$226,400 | 120 | 0.98 | 0.05 |
| R08 | | 46 | | | 138 ORCHARD ROAD | 1010 | Cape Cod | 1832 | 5/18/2010 | \$224,000 | \$223,000 | 120 | 1.00 | 0.03 |
| U11 | A | 18 | | | 3 MEADOW LANE | 1010 | Cape Cod | 1993 | 9/1/2010 | \$270,000 | \$263,000 | 120 | 0.97 | 0.06 |
| R08 | | 63 | F | | 53 ORCHARD ROAD | 1010 | Colonial | 2010 | 11/8/2010 | \$316,850 | \$316,200 | 120 | 1.00 | 0.03 |
| R07 | | 5 | G | | 5 RIDGE DRIVE | 1010 | Colonial | 2004 | 9/24/2010 | \$388,500 | \$405,800 | 120 | 1.04 | 0.01 |
| R02 | B | 21 | | | 26 FRIAR LANE | 1010 | Colonial | 1986 | 3/8/2010 | \$355,000 | \$364,400 | 130 | 1.03 | 0.00 |
| R08 | A | 56 | | | 490 GREELY ROAD EXT | 1010 | Cape Cod | 1971 | 4/6/2010 | \$322,000 | \$338,000 | 130 | 1.05 | 0.02 |
| U14 | | 161 | | | 11 COUNTRY CHARM RD | 1010 | Colonial | 1977 | 12/8/2010 | \$325,000 | \$319,300 | 130 | 0.98 | 0.05 |
| U13 | A | 44 | | | 12 LAWN AVENUE | 1010 | Colonial | 1968 | 12/8/2010 | \$247,500 | \$250,400 | 130 | 1.01 | 0.02 |
| R04 | | 11 | | | 215 TUTTLE ROAD | 1010 | Colonial | 1995 | 11/23/2010 | \$950,000 | \$970,700 | 130 | 1.02 | 0.01 |
| R08 | | 23 | B | | 37 PLEASANT VALLEY ROAD | 1010 | Conventional | 1940 | 10/18/2010 | \$192,500 | \$234,600 | 130 | 1.22 | 0.19 |
| R06 | C | 25 | | | 3 HOLLY DRIVE | 1010 | Colonial | 1995 | 10/4/2010 | \$485,000 | \$416,000 | 130 | 0.86 | 0.17 |
| R04 | B | 19 | | | 44 CROSSING BROOK ROAD | 1010 | Colonial | 1992 | 10/1/2010 | \$246,450 | \$249,000 | 130 | 1.01 | 0.02 |
| R06 | A | 21 | | | 4 WOOD CIRCLE | 1010 | Modern/Contemp | 1983 | 9/10/2010 | \$314,250 | \$295,200 | 130 | 0.94 | 0.09 |
| R08 | A | 61 | | | 247 BRUCE HILL ROAD | 1010 | Raised Ranch | 1971 | 9/8/2010 | \$294,500 | \$273,900 | 130 | 0.93 | 0.10 |
| R04 | B | 49 | | | 49 CROSSING BROOK ROAD | 1010 | Cape Cod | 1993 | 8/26/2010 | \$268,000 | \$251,800 | 130 | 0.94 | 0.09 |
| R06 | C | 16 | | | 10 BAYBERRY LANE | 1010 | Cape Cod | 1994 | 8/18/2010 | \$400,000 | \$379,200 | 130 | 0.95 | 0.08 |
| R01 | | 58 | C | | 64 TUTTLE ROAD | 1010 | Colonial | 1999 | 7/30/2010 | \$875,000 | \$633,100 | 130 | 0.72 | 0.31 |
| R05 | C | 6 | | | 58 IDLEWOOD DRIVE | 1010 | Colonial | 2002 | 5/26/2010 | \$525,000 | \$559,700 | 130 | 1.07 | 0.04 |
| R05 | C | 9 | | | 78 IDLEWOOD DRIVE | 1010 | Colonial | 2000 | 5/4/2010 | \$456,250 | \$511,300 | 130 | 1.12 | 0.09 |
| U13 | | 17 | | | 34 PINWOOD DRIVE | 1010 | Conventional | 1963 | 5/4/2010 | \$329,500 | \$304,400 | 130 | 0.92 | 0.11 |
| U14 | | 28 | | | 332 GREELY ROAD | 1010 | Ranch | 1960 | 4/27/2010 | \$211,000 | \$206,300 | 130 | 0.98 | 0.05 |
| U14 | | 1 | | | 288 GREELY ROAD | 1010 | Raised Ranch | 1965 | 4/26/2010 | \$186,000 | \$215,800 | 130 | 1.16 | 0.13 |
| R06 | B | 17 | | | 420 GREELY ROAD EXT | 1010 | Ranch | 1985 | 4/1/2010 | \$300,000 | \$286,700 | 130 | 0.96 | 0.07 |
| R08 | A | 57 | | | 16 BLACK OAK DRIVE | 1010 | Modern/Contemp | 2003 | 3/25/2010 | \$397,000 | \$427,500 | 130 | 1.08 | 0.05 |

| Map | Map Cut | Lot | Lot Cut | Unit | Property Location | Land Use Code | Style Description | Year Bld | Sale Date | Sale Price | Total Assessment | Street Index | Ratio | Deviation |
|-----------|---------|-----|---------|------|--------------------------|---------------|-------------------|----------|------------|-------------|------------------|--------------|-------|---------------|
| R08 | A | 38 | | | 35 VALLEY ROAD | 1010 | Raised Ranch | 1988 | 8/20/2010 | \$214,000 | \$233,800 | 140 | 1.09 | 0.06 |
| R08 | A | 37 | | | 39 VALLEY ROAD | 1010 | Colonial | 1986 | 10/26/2010 | \$228,000 | \$274,400 | 140 | 1.20 | 0.17 |
| R03 | A | 8 | | | 18 TURNBERRY DRIVE | 1010 | Colonial | 1997 | 7/13/2010 | \$450,000 | \$461,600 | 150 | 1.03 | 0.00 |
| R04 | A | 35 | H | | 46 MERE WIND DRIVE | 1010 | Colonial | 1990 | 11/3/2010 | \$670,000 | \$478,900 | 150 | 0.71 | 0.32 |
| U13 | B | 16 | | | 9 HEMLOCK DRIVE | 1010 | Colonial | 1987 | 12/30/2010 | \$425,000 | \$431,300 | 150 | 1.01 | 0.02 |
| R07 | E | 10 | | | 40 WESTBRANCH ROAD | 1010 | Colonial | 2004 | 7/2/2010 | \$680,000 | \$695,000 | 160 | 1.02 | 0.01 |
| U04 | | 8 | B | U10 | 23 FALCON DRIVE | 1020 | Condominium | 2004 | 4/21/2010 | \$425,000 | \$495,000 | 175 | 1.16 | 0.13 |
| U04 | | 8 | A | U8 | 2 GRANITE RIDGE ROAD | 1020 | Condominium | 2001 | 6/24/2010 | \$400,000 | \$437,100 | 175 | 1.09 | 0.06 |
| R03 | | 43 | I | | 42 CHETS WAY | 1010 | Modern/Contemp | 2007 | 10/4/2010 | \$820,000 | \$822,600 | 190 | 1.00 | 0.03 |
| R02 | C | 11 | | | 106 RAVINE DRIVE | 1010 | Colonial | 1994 | 3/31/2010 | \$850,000 | \$918,500 | 250 | 1.08 | 0.05 |
| U06 | | 95 | | | 19 COVESIDE | 1010 | Colonial | 1985 | 7/30/2010 | \$640,000 | \$639,600 | 250 | 1.00 | 0.03 |
| U04 | A | 3 | | | 35 CONIFER RIDGE RD | 1010 | Colonial | 1996 | 11/17/2010 | \$490,000 | \$501,300 | 250 | 1.02 | 0.01 |
| R02 | A | 9 | | | 28 SCHOONER RIDGE RD | 1010 | Colonial | 1989 | 12/14/2010 | \$450,000 | \$484,500 | 250 | 1.08 | 0.05 |
| R02 | C | 16 | E | | 159 FAIRWIND LANE | 1010 | Colonial | 1985 | 12/2/2010 | \$419,500 | \$468,500 | 250 | 1.12 | 0.09 |
| U01 | | 5 | E | | 23 MARY LANE | 1010 | Colonial | 2005 | 8/3/2010 | \$1,245,000 | \$1,312,300 | 251 | 0.73 | 0.30 |
| U05 | | 13 | | | 20 HERON LANE | 1010 | Antique | 1900 | 4/6/2010 | \$1,175,000 | \$1,311,100 | 400 | 1.12 | 0.09 |
| R02 | | 17 | | | 301 FORESIDE ROAD | 1012 | Conventional | 1915 | 6/17/2010 | \$1,700,000 | \$1,299,400 | 400 | 0.76 | 0.27 |
| U06 | B | 3 | | | 6 ISLAND VIEW DRIVE | 1010 | Conventional | 1976 | 7/1/2010 | \$500,000 | \$549,200 | 400 | 1.10 | 0.07 |
| R01 | | 2 | A | | 11 TOWN LANDING ROAD | 1010 | Cape Cod | 1983 | 11/2/2010 | \$530,000 | \$528,700 | 400 | 1.00 | 0.03 |
| R02 | | 18 | | | 307 FORESIDE ROAD | 1012 | Ranch | 1955 | 9/17/2010 | \$1,350,000 | \$1,320,400 | 400 | 0.98 | 0.05 |
| U03 | | 44 | | | 7 LONGMEADOW ROAD | 1010 | Cape Cod | 1962 | 7/30/2010 | \$565,000 | \$599,800 | 400 | 1.06 | 0.03 |
| R07 | | 51 | | | 115 LOWER METHODIST ROAD | 1010 | Ranch | 1992 | 2/3/2010 | \$129,900 | \$149,800 | 70 | 1.15 | 0.12 |
| R07 | | 51 | A | | 113 LOWER METHODIST ROAD | 1010 | Ranch | 1990 | 8/20/2010 | \$127,000 | \$161,400 | 70 | 1.27 | 0.24 |
| U20 | | 3 | | | 198 GRAY ROAD | 1010 | Ranch | 1929 | 5/24/2010 | \$90,000 | \$113,100 | 80 | 1.26 | 0.23 |
| U21 | | 14 | B | | 261 GRAY ROAD | 1010 | Ranch | 1965 | 7/26/2010 | \$181,000 | \$185,300 | 80 | 1.02 | 0.01 |
| U20 | | 82 | | | 18 SKILLINGS ROAD | 1010 | Split-Level | 2008 | 4/22/2010 | \$197,500 | \$203,400 | 90 | 1.03 | 0.00 |
| R08 | | 55 | C | | 96 ORCHARD ROAD | 1010 | Cape Cod | 1959 | 5/19/2010 | \$208,000 | \$214,500 | 90 | 1.03 | 0.00 |
| R07 | C | 3 | | | 14 WILSON ROAD | 1010 | Colonial | 1993 | 6/1/2010 | \$278,000 | \$249,900 | 95 | 0.90 | 0.13 |
| Avg Ratio | | | | | | | | | | | | | 1.03 | Avg Deviation |
| | | | | | | | | | | | | | COD | 0.09 |
| | | | | | | | | | | | | | COD | 0.08 |

[illegible]

[illegible]

ITEM

11-079

To hold a Public Hearing to consider and act on a Mass
Gathering Permit for the Cumberland Memorial Day Parade to
be held on May 30, 2011.



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

TO: William Shane, Town Manager

FROM: Tammy O'Donnell, Town Clerk

DATE: April 20, 2011

SUBJECT: Memorial Day Parade and Race

I have met with Peter Bingham, Program Director for the Recreation Department, Fire Chief Dan Small, and Police Chief Joseph Charron regarding the Memorial Day Parade and the Memorial Day 5K and Fun Run. The following represents our mutual understanding:

- The events will take place on Monday, May 30th, 2011. The Fun Run Race will start at 8:00 a.m. And the 5K will start at 8:30 a.m.
- Registration can be done online at www.cumberlandmaine.com and in person starting at 6:30 a.m. at the Greely High School Gym.
- The Parade will start at 10:00 a.m.
- Both the Fire Department and the Police Department will be on site during both events and The Police will be directing traffic.
- Contact person for the Parade will be Fire Chief Dan Small, contact person for the races will be Peter Bingham.
- Communication between parties will be by radio and cell phone.
- Bathroom facilities will be available at the High School for participants.
- Attendance is expected to be approximately 1,000, weather dependent.

Although this is a Town Event, we should also be following the Town Mass Gathering Ordinance guidelines. This event is a wonderful representation of our community and the ties that bind a community together. I hope we have a beautiful sunny day and wish all participants the best of luck with their races. Thank you.

TOWN OF CUMBERLAND

Publication Dates: _____
Publication Names: _____
Date Filed: _____
Fee Received: _____
Date Ordinance Received: _____
Issued: _____
Denied: _____

Mass Gathering Application-Minor Large Outdoor Event (500-4,999 persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event.
Application must be accompanied by a non-refundable fee of \$250.00.

Name of Applicant: Town of Cumberland

Address of Applicant: 290 Tuttle Road, Cumberland, Me.

Name of Event: Memorial Day Parade

Facility where the event will be held: Town Center & High School Track

Is the facility owned by the applicant: _____ yes; _____ no, (if no, attach a copy of the contract with
The owner which allows use of property)

Name of promoter (if different from above): Town of Cumberland

Telephone number: 829-5559, Peter Bingham Race Director 751-4193, Dan Small Parade Director

Date of Event: May 30, 2011 Time (start and finish times): 8:30 - 10:00 am (Race)
Parade Following

Number of tickets available: _____

Expected attendance: 2000

Description of event: Memorial Day Parade & Race

Will any food vendors be serving at the event: _____ yes, ☒ no, (if yes, how many, and
what types) _____

Will any alcohol vendors be serving at the event? _____ yes, ☒ no (if yes, list name and attach
A copy of the vendors license to sell alcohol, describe what alcohol will be served) _____

Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. _____
2. _____
3. _____

Description of facility:

- A. Seating capacity: _____ permanent; _____ temporary
- B. Other seating capacity: _____ festival; _____ standing room only (sq. ft.)
- C. Number of toilets available: _____ permanent; _____ portable
- D. Number of parking spaces available: _____ on-site; _____ off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours: _____ yes; _____ no, if no, which lots are not lighted _____)
- F. Source of potable water: Water will be provided to race contestants
- G. Refuse containers available, number and size: _____
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse) _____
- I. When will refuse be picked up? _____

Public Safety:

- J. Describe first aid facilities: Ambulance & Fire Truck will be on site & in parade
- K. Describe emergency facilities: _____
- L. Describe communication facilities: Police will be directing Traffic
- M. Number of certified police officers: 4
- N. Other security personnel (include company name and qualification): _____
- O. Describe fire personnel: _____

Other:

- P. Name of liability insurance _____
Amount of coverage _____; amount of property insurance _____
- Q. Preferred type of performance guarantee (i.e. escrow account, irrevocable letter of credit)


Authorized Signature

On _____ (date), I received a copy of the Cumberland Mass Gathering Ordinance.

Authorized Signature

MSAD #51 PTO & Cumberland/N. Yarmouth Community Recreation/Education



1st Annual!

Memorial Day 5K and Fun Run



Run & Remember

Monday, May 30th, 2011

*Pre-Registration:

By mail, online or come to our office,
Cumberland Recreation Dept. 290 Tuttle Rd.
Cumberland Ctr Me, 04021 PH:829-2208
Forms available @: www.cumberlandmaine.com

Entry Fee:

Fun Run \$5.00/ 5 K Race \$17.00

*Pre Registrations MUST be received by Wednesday, May 25th

Race Day: Monday, May 30th

Registration:

At Greely High School "South Wing" Gymnasium
6:30 a.m-7:30 a.m.

Entry Fee:

Fun Run \$5.00/ 5 K Race \$22.00

FUN RUN (Ages 12 & under): Start Time 8:00a.m. @ Greely Track

All participants will receive a Commemorative "Memorial Day Fun Run" Bib. This is a non-competitive race. A timing board will be visible at the finish line however individual times will not be catalogued.

RACE WILL START & FINISH AT GREELY TRACK

5 K ROAD RACE: Start Time 8:30 a.m.

All participants will receive a Commemorative Memorial Day 5K Race Bib. 1st and 2nd Place Awards will be given in the men's and women's age group. The first 50 to pre-register will receive a Road Race t-shirt. RACE WILL BEGIN IN FRONT OF GHS ON MAIN ST. & FINISH ON THE GREELY TRACK

1st & 2nd Place Awards will be given to the Top Male /Female Finishers for each age group:

| | | | | | | | |
|------------|-------|-------|-------|-------|-------|-------|---------|
| 14 & Under | 15-19 | 20-29 | 30-39 | 40-49 | 50-59 | 60-69 | 70 & Up |
|------------|-------|-------|-------|-------|-------|-------|---------|

Official Registration Form

Please Print

PLEASE CHECK: ☐ FUN RUN ☐ 5 K ROAD RACE
NAME: _____ D.O.B: _____ AGE: _____ SEX: _____
ADDRESS: _____

Street, City, State, Zip Code

PHONE #: (H) _____ (Cel) _____ SHIRT SIZE: _____

In consideration of this entry being accepted I, for myself, my heirs, executors, and administrators waive and release any and all claims for personal damage I may have against officials and sponsors. I attest and verify that I have full knowledge of the risks in this event and I am physically fit to participate in the event.

Signature (Parents signature if under 18 years-old)

Please return with fee to the Cumberland Recreation Dept: 290 Tuttle Rd., Cumberland Ctr. Me 04021

A Portion of the Proceeds Will Be Dedicated to the Cumberland Veterans Memorial Fund

ITEM

11-080

To hold a Public Hearing to consider and act on Victualer's
License Applications for Fat Guys Concessions for a
miniature horse show at the Cumberland Fairgrounds on
June 25 & 26, 2011.

TOWN OF CUMBERLAND, MAINE
APPLICATION FOR VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Fat Guys Concess.
Business Address: P.O. Box 452 Gray, ME 04039
Name of Manager: Scott P McGraw Bus. Phone: 233 6255
Date of Event or New License: June 25 & 26 Horse ^{miniature} Show
Signature of Authorized Person: Scott P McGraw Date: 3/23

+++++
CHECK THE PROPERTY CATEGORY OF REQUESTED LICENSE:

- (a) Restaurant or Victualer not serving malt beverages on the premises \$50.00 _____
- (b) Restaurant or Victualer serving malt beverages on the premises \$50.00 _____
- (c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor \$50.00 _____
- (d) A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores, where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet \$25.00 _____
- (e) Same as (d) but total area of the establishment is more than 10,000 square feet \$25.00 _____
- (f) Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels and bed and breakfasts \$100.00 _____
- (g) Establishment operated by Non-Profit organization NO FEE _____
- (h) Vending Machine \$10.00 _____
- (i) Temporary Vending Unit operating at a fair. Per Unit: \$10.00 ☒
Name & type of vending unit(s): Fat Guys trailer

Enclose CHECK payable to: Town of Cumberland
SEND TO: TOWN CLERK, 290 Tuttle Road, Cumberland ME 04021

Application Rec'd: _____ Date of Issuance _____ Cert No. _____

TOWN OF CUMBERLAND, MAINE
APPLICATION FOR VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Fat Guys Concession
Business Address: P.O. Box 452 Gray ME 04039
Name of Manager: Scott P McGraw Bus. Phone: 233 6255
Date of Event or New License: July 23 24 MINIATURE HORSE SHOW
Signature of Authorized Person: Scott P McGraw Date: 3/23

+++++
CHECK THE PROPERTY CATEGORY OF REQUESTED LICENSE:

- (a) Restaurant or Victualer not serving malt beverages on the premises \$50.00 _____
- (b) Restaurant or Victualer serving malt beverages on the premises \$50.00 _____
- (c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor \$50.00 _____
- (d) A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores, where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet \$25.00 _____
- (e) Same as (d) but total area of the establishment is more than 10,000 square feet \$25.00 _____
- (f) Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels and bed and breakfasts \$100.00 _____
- (g) Establishment operated by Non-Profit organization NO FEE _____
- (h) Vending Machine \$10.00 _____
- (i) Temporary Vending Unit operating at a fair. Per Unit: \$10.00 ☒
Name & type of vending unit(s): Fat Guys trailer

Enclose CHECK payable to: Town of Cumberland
SEND TO: TOWN CLERK, 290 Tuttle Road, Cumberland ME 04021

Application Rec'd: _____ Date of Issuance _____ Cert No. _____

PAYMENT SUMMARY RECEIPT

TOWN OF CUMBERLAND
290 TUTTLE ROAD
CUMBERLAND ME 04021

DATE: 04/05/11 CUSTOMER#: 00000000
TIME: 10:38
CLERK: abrushwe

RECPT#: 61165 PREV BAL: 10.00
TP/YR: NS/2011 AMT PAID:
BILL: ADJUSTMT:
EFF DT: 04/04/11 BAL DUE:
MISCELLANEOUS PAYMENT

TOTALS

PRINCIPAL PAID: 10.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00
AMT TENDERED: 10.00
AMT APPLIED: 10.00
CHANGE: .00

PAID BY: FAT GUYS
PAYMENT METH: CHECK
PAYMENT REF: 1149

PAYMENT SUMMARY RECEIPT

TOWN OF CUMBERLAND
290 TUTTLE ROAD
CUMBERLAND ME 04021

DATE: 04/05/11 CUSTOMER#: 00000000
TIME: 10:39
CLERK: abrushwe

RECPT#: 61167 PREV BAL: 10.00
TP/YR: NS/2011 AMT PAID:
BILL: ADJUSTMT:
EFF DT: 04/04/11 BAL DUE:
MISCELLANEOUS PAYMENT

TOTALS

PRINCIPAL PAID: 10.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00
AMT TENDERED: 10.00
AMT APPLIED: 10.00
CHANGE: .00

PAID BY: FAT GUYS
PAYMENT METH: CHECK
PAYMENT REF: 1149

ITEM

11-081

To set a Public Hearing date (May 23rd) to consider and act on a Victualer's License application for The Golf Learning Center, 147 Bruce Hill Road.

TOWN OF CUMBERLAND, MAINE
APPLICATION FOR VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: The Golf Learning Center
Business Address: 147 Bruce Hill Road, Cumberland, ME 04021
Name of Manager: PATRICK BADCOCK Bus. Phone: 207-321-9894

Date of Event or New License: Seasonal (Ice Cream & Hot dogs)

Signature of Authorized Person: Patrick Badcock Date: 4/21/11

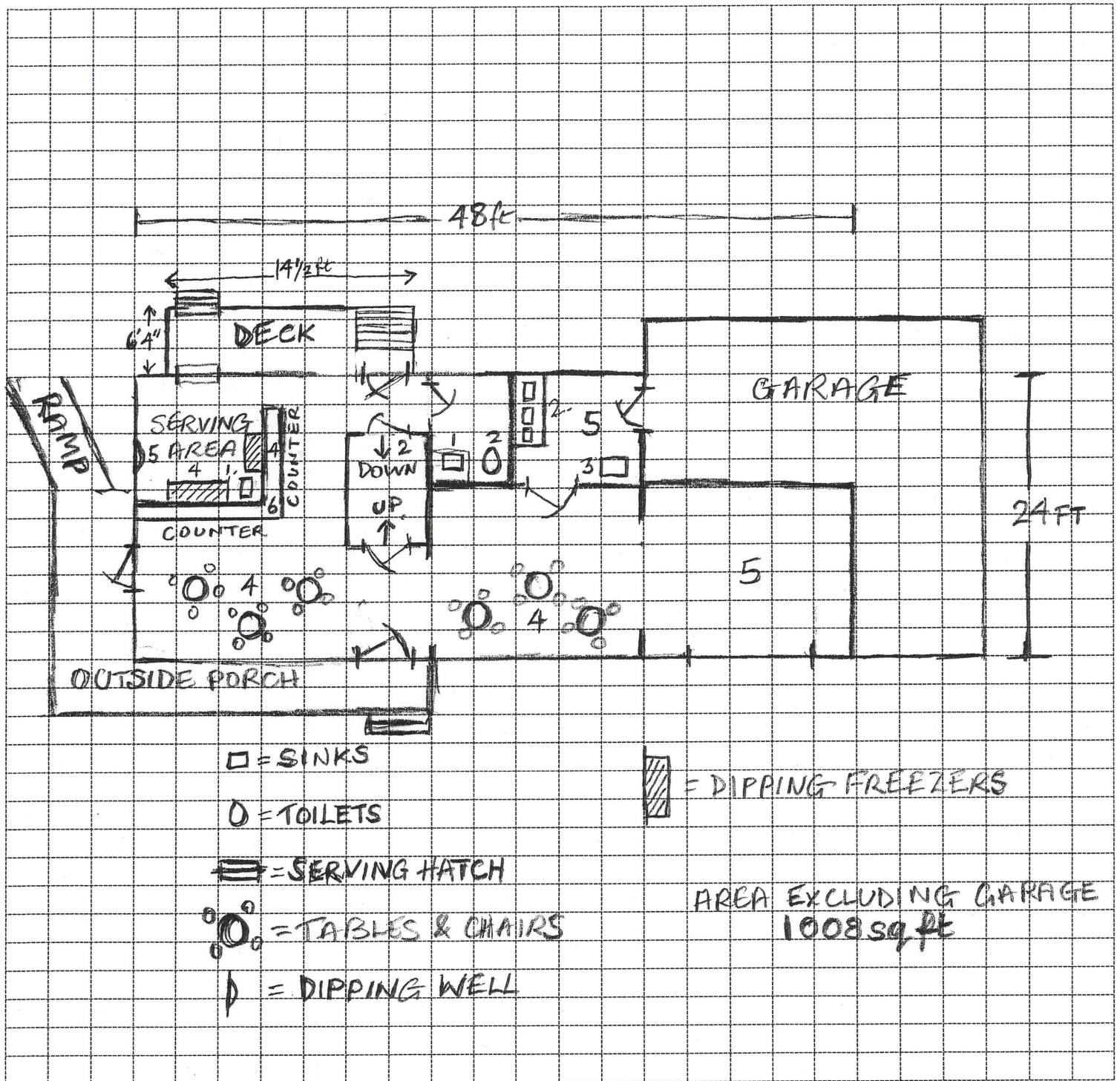
+++++
CHECK THE PROPERTY CATEGORY OF REQUESTED LICENSE:

- (a) Restaurant or Victualer not serving malt beverages on the premises \$50.00 ✓
- (b) Restaurant or Victualer serving malt beverages on the premises \$50.00 _____
- (c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor \$50.00 _____
- (d) A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores, where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet \$25.00 _____
- (e) Same as (d) but total area of the establishment is more than 10,000 square feet \$25.00 _____
- (f) Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels and bed and breakfasts \$100.00 _____
- (g) Establishment operated by Non-Profit organization NO FEE _____
- (h) Vending Machine \$10.00 _____
- (i) Temporary Vending Unit operating at a fair. Per Unit: \$10.00 _____
Name & type of vending unit(s): _____
- (j) Mobile Vending Unit \$10.00 _____

Enclose CHECK payable to: Town of Cumberland
SEND TO: TOWN CLERK, 290 Tuttle Road, Cumberland ME 04021

Application Rec'd: 4-21-11 Date of Issuance _____ Cert No. _____

Use this grid to draw a floor plan including square footage, or provide an engineered floor plan.



Each square is approximately 1/4 inch by 1/4 inch. Please include square Footage.

Floor plan should include the following items:

| Sinks: | Toilet Facilities: | Refrigeration: | Facilities: |
|-----------------|--------------------|--------------------------|------------------------------------|
| 1. Hand Washing | 1. Water Closets | 1. Walk-in Coolers | 1. Food Preparation Areas |
| 2. Ware Washing | 2. Lavatories | 2. Walk-in Freezers | 2. Food Storage Areas |
| 3. Utility | 3. Urinals | 3. Freestanding Coolers | 3. Trash/Refuse/Redemption Areas |
| 4. Food Prep | 4. Other | 4. Freestanding Freezers | 4. Dining Areas |
| 5. Dipper Wells | | 5. Other | 5. Break Rooms/Office |
| 6. Other | | | 6. Equipment/Counters/Seats/Tables |
| | | | 7. Dry Storage/All Other Storage |

DRAFT
THE GOLF LEARNING CENTER MENU

147 BRUCE HILL ROAD, CUMBERLAND, ME 04021

ICE CREAM CUP OR CONE

SUNDAES

FRAPPES

SODA

HOT DOGS STEAMED

ITEM

11-082

To set a Public Hearing date (May 23rd) to consider and act on a Class I Liquor License for the Cumberland House of Pizza for the period of May 2011 – May 2012.

Department of Public Safety Division

Liquor Licensing & Inspection



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES N/A

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☐ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | | | | | |
|---|--|--|---------------------------|--|--|
| 1. APPLICANT(S) - (Sole Proprietor, Corporation, Limited Liability Co., etc.) | | | 2. Business Name (D/B/A) | | |
| Shkelqim Dobra DOB: 01/27/1963 | | | Cumberland House of Pizza | | |
| Violeta Dobra DOB: 02/06/1960 | | | | | |
| Address | | | Location (Street Address) | | |
| P.O. Box 297 | | | 176 Gray Rd | | |
| City/Town | | | City/Town | | |
| Windham | | | Cumberland | | |
| State | | | State | | |
| ME | | | ME | | |
| Zip Code | | | Zip Code | | |
| 04062 | | | 04021 | | |
| Mailing Address | | | Mailing Address | | |
| P.O. Box 297 | | | P.O. Box 297 | | |
| City/Town | | | City/Town | | |
| Windham | | | Windham | | |
| State | | | State | | |
| ME | | | ME | | |
| Zip Code | | | Zip Code | | |
| 04062 | | | 04062 | | |
| Telephone Number | | | Business Telephone Number | | |
| 207-829-5400-892-0195 | | | 207-829-5400 | | |
| Fax Number | | | Fax Number | | |
| | | | | | |
| Federal I.D. # | | | Seller Certificate # | | |
| 20-5046874 | | | 1091307 | | |

3. If premises are a hotel, indicate number of rooms available for transient guests: N/A

4. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ LIQUOR \$

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: N/A

8. If business is NEW or under new ownership, indicate starting date: N/A

Requested inspection date: Business hours: 11 AM - 9:00 P.M. Sun - Sat

9. Business records are located at:

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine?

YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

| Name in Full (Print Clearly) | DOB | Place of Birth |
|------------------------------|------------|----------------|
| SHKELQIM (JIM) DOBRA | 01/27/1963 | ALBANIA |
| VIOLETA DOBRA | 02/06/1960 | ALBANIA |
| | | |

Residence address on all of the above for previous 5 years (Limit answer to city & state)

4 Skampa Drive #2, Windham
4 Skampa Drive #2, Windham

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: N/A Location: N/A

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: CHRIS COPP

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☒ Applied for: _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1 mile Which of the above is nearest? Parish house

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: _____ on _____, 20____
Town/City, State Date

[Signature]
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

[Signature]
Signature of Applicant or Corporate Officer(s)

STATE OF MAINE

Dated at: Cumberland, Maine Cumberland ss
City/Town (County)

On: _____
Date

The undersigned being: ف Municipal Officers ف County Commissioners of the
ف City ف Town ف Plantation ف Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**

5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

PREMISE DIAGRAM

ITEM

11-083

To authorize the Town Attorney to take all actions necessary to collect any amount outstanding (\$13,297.45) for the Greenlaw Writ of Execution.

State of Maine

District Court

Division of Southern Cumberland
Portland

TOWN OF CUMBERLAND Plaintiff

Docket No. PORDC-CV-10-533

v.

THOMAS S. GREENLAW Defendant

Writ of Execution

Renewal, 12/29/2013

To the sheriffs of our several counties or any of their deputies:

The Plaintiff on June 17, 2010, recovered judgment in the District Court in Portland against Defendant, THOMAS S. GREENLAW, in this action for the sum of \$10,800.00 in debt or damage and \$150.00 in costs of suit as appears of record:

| | |
|------------|----------------------------|
| \$10800.00 | Judgment Amount |
| \$0.00 | Pre-Judgment Interest |
| | Interest per the Complaint |
| \$150.00 | Costs |
| \$1715.00 | Atty Fees |
| \$0.00 | Post-Judgment Interest |

\$12665.00 Total

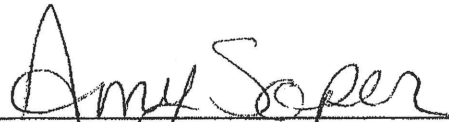
We command that you cause the goods, chattels, or lands of the Debtor within your county to be paid and satisfied to the Creditor in the sum of \$12,665.00, with legal interest from the date of judgment, together with \$25.00 for this First Writ of Execution, and make return of this writ within three years from this date.

December 28, 2010

(Seal of the Court)

Attorney for Plaintiff

NATALIE L. BURNS ESQ.
JENSEN BAIRD GARDNER &
HENRY
TEN FREE STREET, PO BOX 4510
PORTLAND ME 04112


Amy Soper, Assistant Clerk

A True Copy

Attest:


Clerk of Courts

Received
Recorded Register of Deeds
Jan 04, 2011 02:49:28P
Cumberland County
Pamela E. Lavley